

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

UNITED STATES OF AMERICA, :  
 :  
Plaintiff, : Case No. CR-1-02-030  
 :  
vs. : JUDGE WEBER  
 :  
JAMES CARTER, : **STANDARD ACTION DOCKET**  
 :  
Defendant. :

**DEFENDANT’S MOTION TO REDUCE SENTENCE,**  
**PURSUANT TO 18 U.S.C. § 3582(c)(2),**  
**IN AN “AGREED DISPOSITION CASE”**

Pursuant to 18 U.S.C. § 3582(c)(2), Defendant James Carter, through undersigned counsel, hereby moves this Court for an Order reducing his sentence from 151 months to 130 months based on the retroactive application of the November 1, 2007 crack amendment.

Respectfully submitted,

STEVEN S. NOLDER  
FEDERAL PUBLIC DEFENDER

/s/ Steven S. Nolder

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Steven S. Nolder (0037795)  
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Attorney for Defendant  
James Carter

**MEMORANDUM**

At Defendant's original sentencing hearing, his base offense level was 29 given the quantity of crack cocaine for which he was held accountable. Moreover, Defendant's criminal history category was determined to be VI. A combination of these two Guideline determinations yielded a sentencing range of 151 to 188 months imprisonment. Defendant was then sentenced to serve 151 months in prison.

On December 11, 2007, the United States Sentencing Commission authorized the retroactive application of Guideline Amendment 706 to all defendants who met certain eligibility criteria. On May 14, 2008, counsel for the government, representatives of the United States Probation Office and undersigned counsel considered the merits of Defendant's case. All agreed to recommend to this Court that Defendant met the Commission's eligibility requirements for the retroactive application of the Guideline Amendment 706 to his case.

After the November 1, 2007 crack amendment is retroactively applied to this case, Defendant's base offense level is reduced to 27. This reduction yields a new advisory sentencing range of 130 to 162 months. Finally, the parties jointly recommend that this Court reduce Defendant's sentence to 130 months.

In arriving at this recommended sentence, the parties ascertained the point in the original Guideline range where Defendant was first sentenced as well as the extent of any downward departure due to his substantial assistance, if applicable. Finally, the parties also considered unique facts about both Defendant's case and behavior while incarcerated to conclude that his early release did not present a danger to the safety of the public.

For the reasons articulated herein, Defendant James Carter, through undersigned counsel, herein moves this Court for an Order reducing his sentence to 130 months. Defendant has been apprised of this proposed agreed resolution and this motion is submitted with both his knowledge and authorization.

Respectfully submitted,

STEVEN S. NOLDER  
FEDERAL PUBLIC DEFENDER

/s/ Steven S. Nolder

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Attorney for Defendant  
James Carter

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the Motion to Reduce Sentence Pursuant to § 3582(c)(2) was served electronically upon William Hunt, First Assistant United States Attorney, Office of the United States Attorney, 221 E. Fourth St., Suite 400 Cincinnati, Ohio 45202 this 22<sup>nd</sup> day of May, 2008.

/s/ Steven S. Nolder

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Steven S. Nolder (0037795)  
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